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10/28/02  
hw

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICANT : JACKOWSKI et al.

INVENTION: : BIOPOLYMER MARKER INDICATIVE OF DISEASE  
STATE HAVING A MOLECULAR WEIGHT OF  
1793 DALTONS

SERIAL NUMBER : 09/845,739

FILING DATE : 04/30/01

EXAMINER: : Chin, C.

GROUP ART UNIT : 1641

ATTORNEY DOCKET NO. : 2132.044

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RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS

CERTIFICATE UNDER 37 CFR 1.8(a)  
I hereby certify that this correspondence is being  
deposited with the U.S. Postal Service as First Class mail  
in an envelope addressed to Commissioner for  
Patents, Washington, D.C. 20231 on 10-18-02

*Susan Idess*

Box Sequence  
U.S. Patent & Trademark Office  
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Sir:

In the above-identified application, Applicants have received a Notice to Comply with Requirements for Patent Applications mailed September 3, 2002 (Paper No. 8), indicating that the content of the computer readable form does not comply with the requirements under 37 C.F.R. §1.822 and/or §1.823. The Notice also indicated Applicants must provide a written (on paper) sequence listing identical to the computer readable disc under 37 C.F.R. §§1.821-1.825.

Applicants have now complied with the requirements for patent applications containing nucleotide sequence and/or amino acid sequence disclosures. Applicants hereby submit a substitute disc in compliance with 37 C.F.R. §1.822 and/or §1.823, and a separate paper copy in an electronic form of the sequence listing is attached hereto under 37 C.F.R. §§1.821-1.825. The information recorded in computer readable form is identical to the written sequence listing, neither of which contain new matter. In response to the Notice to Comply With Requirements dated September 3, 2002 (Paper No. 8), Applicants submit the application complies with the requirements.

This Response is accompanied by a Request for a One Month Extension of Time and the appropriate fee under 37 C.F.R. §1.136(a)(1).

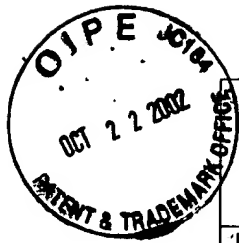
Applicants also submit herewith a copy of the Notice To Comply with Requirements for Patent Applications mailed September 3, 2002.

Having now complied with all of the outstanding filing requirements, Applicants respectfully request that this application be placed upon the files for examination.

Respectfully submitted,

Date: 10/18/2002

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## Notice to Comply

Application No.

09/845,739

Applicant(s)

Jackowski et al.

Examiner

Lisa V. Cook

Art Unit

1641

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: Sequence Identification Numbers must be included in the claims and figures.

#### Applicant Must Provide:

- ☒ An initial or **substitute** computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or **substitute** paper copy of the "Sequence Listing", as well as an amendment directing its entry into the **specification**.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216 or (703) 308-2923

For CRF Submission Help, call (703) 308-4212

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